

## **VISA IN OLD PASSPORT CAN BE USED ALONG WITH NEW ONE**

**I am a senior citizen. My Indian passport validity expires in October 2010 and I intend to apply for renewal in January 2010. My 10-year B2 American visa is valid up to April 2012. Is it necessary to have American visa affixed to the new passport? If so what is the procedure? Or can I use the new and old passports containing American visa.**

Individuals with a valid U.S. visa in their old passport may still use that visa by carrying both the old and new passport when they travel. We cannot transfer the visa from one passport to another. If you choose to apply for a new visa in the new passport, all normal fees and application procedures would be similar to the process for a first-time applicant. In that case that you should bring the old passport so that we may physically cancel the valid visa before issuing the new one.

**I born on 23rd June 1931 and a retired TWAD Board engineer and my wife, born on 14th August, 1937, hold Indian passports with validity up to 21st November, 2011. We had U.S. Visa R B2 type Multiple entries, which expired on 11th March 2008. We wish to travel in the same status as before to visit our children /grand children & great grand children- all residing in the USA, as early as possible. We've to return to India to be with one of our sons. We would like to know whether we've to appear for personal interview at the U.S. Consulate. What are the procedures?**

Applicants above 80 may be exempted from appearing in person for visa interviews. As you are younger you need to visit the Consulate for a personal interview. Please schedule the appointment on – [www.vfs-usa.co.in](http://www.vfs-usa.co.in). The forms you requested are available on the same site and you must use the downloaded forms for interview. (THE HINDU, JULY 05, 2009)

## **U.S. VISA NORMS, REQUIREMENTS, OPTIONS**

***I am a senior citizen. I obtained my first visa in early 1970s. I worked with a foreign airlines in Dubai when 10-year multiple-entry visas were issued for my wife and I in October 1999. We have travelled four times on them. During the last entry in February 2008, fingerprints were taken. What documents do we need for renewal?***

A. Since your visa expires in October, you may apply by booking an appointment through the VFS website and attend a personal interview. As your visa is still valid, you may book through the renewal option. The website <http://chennai.usconsulate.gov/bustravel.html> has information on documentary requirements.

***I applied for a non-immigrant tourist visa and was interviewed on May 12, 2009 but was not granted a visa. A retired employee of the Accountant General's office, I am 61 and unmarried. I want to visit tourist spots in the U. S. I live with my sister's family, and her daughter and her husband who are in the U. S. will sponsor my visit. I have no immovable property and my earnings are in the form of bank deposits. I have no intention of settling in another country at***

***my age. I have to make a personal appearance each year for the continuation of my pension. I have many interests in Chennai and positively intend to return. Probably due to difficulty in following the U. S. accent, I was not able to communicate my intentions properly. What further documents or guarantees would be required to get a tourist visa? (T. Lakshmi)***

Section 214 (b) of the Immigration and Nationality Act requires us to consider all applicants as intending immigrants until they establish otherwise by demonstrating family, social, economic, and professional ties to India that would compel them to return after a temporary stay. While documentary evidence of ties to India may augment an applicant's case, the consular officer relies most on what an applicant says during the interview to determine eligibility. If in the future there is a change in your circumstance or you have credible supporting evidence that may either have been overlooked or was not presented earlier, you may re-apply.

***My wife of 19 years who is a U. S. citizen by birth has filed an I 130 (Petition for Alien Relative) with the consular services in the U. S. I am now in the U. S. on a tourist visa visiting my wife and children (who are U. S. citizens by birth) and will return to India shortly. My tourist visa is valid till 2012. Can I continue to travel to the U. S. while my papers are under process? Secondly, I have requested that my Adjustment of Status to a Green Card Holder be done in India: that was what the Homeland Security officer suggested here. How long will the process take? (Meenakshi Sundaram)***

You may travel as long as you hold a valid visa and your purpose of travel is related to the visa. However, it is the immigration officer at the port of entry who is the final authority in letting anyone enter the U. S.

On your second question, adjustment of status can be done only in the U.S. Any related questions must be directed to the immigration office (USCIS) in the U. S. If you wish to opt for consular processing, your immigrant visa file should be transferred to the consulate after you pay the visa fee and submit the documents at the National Visa Center in Portsmouth.  
(THE HINDU, JULY 29, 2009)

## **VISA IN OLD PASSPORT CAN BE USED ALONG WITH NEW ONE**

**I am a senior citizen, My Indian Passport validity expires in October 2010 and I intend to apply for renewal in January 2010. My 10-year B2 American Visa is valid up to April 2012. Is it necessary to have American visa affixed to the new passport? If so what is the procedure? Or can I use the new and old passports containing American Visa.**

Individuals with a valid U.S. Visa in their old passport may still use that visa by carrying both the old and new passport when they travel. We cannot transfer the visa from one passport to another. If you choose to apply for a new visa in the new passport, all normal fees and application procedures would be similar to the process for a first time applicant. In that case

that you should bring the old passport so that we may physically cancel the valid visa before issuing the new one.

**I, Ramaswami Krishnamoorthi, born on 23rd June 1931ad a retired TWAD Board engineer and my wife Suryanarayana Neelambal, born on 14th August, 1937, hold Indian passports with validity up to 21st November 2011. We had U.S. Visa R B2 type Multiple entries, which expired on 11th March 2008, We wish to travel in the same status as before to visit our children / grand children & great grand children, all residing in the USA, as early as possible. We've to return to India to be with one of our sons. We would like to know whether we've to appear for personal interview at the U.S. Consulate. What are the procedures?**

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## **U.S. VISA NORMS, VALIDITY AND RENEWALS**

***My wife and I are senior citizens (aged 68 and 75) holding Indian passports issued in 1998, which is valid for 20 years (up to 2018). In 2001 we were issued with U.S. visas, valid till March 2011. Can we apply for renewal in the year 2011 with the same passports, valid up to 2018? Is there any restriction to consider regarding issue of U.S. visas only for those with Indian passports valid for ten years. (The Government of India issued passports for twenty years in the year 1998 as an additional option which we availed.)***

The United States Government recognizes and accepts Indian 20 year passports as valid travel documents duly issued by the Government of India to Indian citizens. Persons with a 20-year Indian passport may apply for a new U.S. visa as long as the passport remains valid for at least six more months.

***I have a multiple entry B2 visa valid up to November 2017. I wish to visit my two daughters and their children in the U.S. I have 3 questions regarding this: Is there any limit on the frequency of my visits? What has to be the minimum period of lapse, if required, between two successive visits? What is the maximum period of stay allowed in one visit?***

You may travel any number of times while the visa is valid for purposes appropriate to the visa category, with no minimum period of lapse between successive visits.

Your entry and duration of stay each time would be decided by the immigration officials at the port of entry.

***I am getting married in January and will be availing the dependent visa to stay with my spouse. If I want to pursue my higher studies there, should I apply for an F1 or can I study on my dependent visa?***

You may apply for a dependent visa by booking an appointment through the VFS website and attending a personal interview. You may not be able to study in the U.S. on an H4 visa (dependent spouse of H1B visa holder). You may therefore choose to apply for an F1 student visa instead of the H4, provided that you meet the documentary requirements for the F1. You may also consider entering on an H4 and applying later to change status in the U.S. from H4 to F1. For information on changing status in the U.S., please see information from the USCIS at [www.uscis.gov](http://www.uscis.gov).

***I and my wife have B1-B2 type multiple entry visas valid up to 4th May 2011. The visa was issued when our son was in the U.S. Now our son is working with the same company but in Singapore. Can we visit U.S. to see our nephew (my brother's son) on the existing visa?***

Yes, you may certainly use the B1/B2 for a visit to your nephew, for tourism, or for business purposes as long as the visa is valid.

***My daughter, who is a U.S. citizen, sponsored me, my wife and my son for immigration in 2004. As parents we got the immigration in 2005 and are living in the U.S. since then. Whereas my son, who was 20 years old that time, is still waiting for his turn, which may come after around 8 more years. Is it possible to change his sponsorship from my daughter to myself with the same filing date (December 2004)?***

It is not possible to change the sponsorship at this point. You may file a new petition as a parent but your petition will be assigned a new priority date based on the date of filing. We are currently processing cases for unmarried children, above 21 years, of green card parents, filed before July 1, 2001. It is permissible for a beneficiary to be named in separate petitions by different petitioners at the same time, and both petitions would remain valid, so that your son could benefit from whichever petition becomes current soonest.

***I would like to know whether a girl can attend the visa interview with mehndi on both sides of her hands. Will the mehndi affect the finger printing?***

Mehndi does not affect the finger prints. You may attend the interview if you have mehndi on your hands. (THE HINDU, AUGUST 26, 2009)

## **YOU CANNOT TRANSFER YOUR OLD VISA TO NEW PASSPORT**

**During my last trip to the U.S., my passport was damaged. The passport has a US B1 visa valid till 2016. My new passport refers to my old passport number and the contents of the visa sheets are legible in the old passport. Can I retain both the passports and travel using the earlier Visa OR Can I transfer the Visa from the old passport to the new one and if so what is the procedure OR Do I need to reapply for a new Visa by forgoing the older Visa and, if so, how do I formally cancel the same?**

You may travel carrying your old and new passports if the visa in your old passport is valid and not damaged. If the old passport is in poor condition, or if the visa in your old passport is damaged, you should apply for a new visa. You cannot transfer your old visa to the new passport. To apply for a new visa, please schedule an appointment and come in for a personal interview, remembering to bring all relevant documents. We can formally cancel the damaged old visa at the time of the new application.

**As an overseas manpower consultant, I have approached a few agencies to get H2B employment visas for candidates. They say it is tough for them to get H2B visas in India for Indian workers and have asked me to bring the candidates to their country where they can stamp the H2B employment visa in five working days. Is it possible to get H2B visas for Indian workers abroad?**

Yes, U.S. posts in India, including the Consulate General in Chennai, process H-2B visas. The applicant has to have an approved petition from the United States Citizenship and Immigration Service to apply for the visa. More information on H-2B visas is available at: [http://travel.state.gov/visa/temp/types/types\\_1271.html](http://travel.state.gov/visa/temp/types/types_1271.html). We recommend that applicants apply at the U.S. Embassy or Consulate nearest to their home. Other posts farther away may have less familiarity with documents from the applicant's home country. Whenever the applicant cannot clearly establish his or her eligibility for the visa (as may be more likely to occur when applying far from home, with documents unfamiliar to the consular officer), the consular officer may not approve issuance of a visa.

**My wife and I have 10 years U.S. Visitors visa (B1/B2) which are valid until August 2010. We are planning to visit our son's family in July 2010. Can we travel before the existing visa expires and stay beyond the expiry date of our visa?**

You may travel with this visa in July 2010. The U.S. visa allows you to apply for entry to the U.S., at the port of entry. You may apply to enter the U.S. anytime before the visa expires, even up to the last day of the visa's validity. Upon arrival in the U.S., an immigration officer at the port of entry will determine the period of your authorized stay, which may extend beyond the expiration date of your visa.

**Our three children are citizens of U.S. and my wife and I got permanent resident cards in May 2004 valid till June 2014. We obtained a Travel Document valid till February 2007 to travel to India. As the completion of the project took time, we could not travel back to the US within the validity period of the Travel Document. Can we travel to the U.S. now though the Travel Document has expired?**

The Travel Document that you describe would have been a "re-entry permit", which is issued to permanent residents who expect to be outside the United States for up to two years. As your re-entry permit has expired, it is no longer valid for travel. There is a provision for applying for a

new immigrant visa as a “returning resident,” if you can establish that you remained outside the United States for reasons beyond your control. If you do not meet the criteria for this visa, you may also benefit from a new petition for immigration, starting the immigration process anew. If you do not intend to reside in the United States, it may be best for you to apply for a visit visa (B1/B2), which can be issued for multiple entries and a validity of up to ten years.  
(THE HINDU, SEPTEMBER 30, 2009)